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EXAMINER	
NGUYEN, CHAU T	
ART UNIT	**PAPER NUMBER**
2176	

DATE MAILED: 04/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/736,223	LYNCH ET AL.	
	Examiner	Art Unit	
	Chau Nguyen	2176	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *06 February 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-51* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-51* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. Applicant's submission filed on 02/06/2006 has been entered. Claims 1-51 are presented for examination

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1, 3-4, 6-9, 10, 12-19, 21-22, 24-28, 30, 33-34, 36, 38-40, 42, 45-46, 48 and 50-51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Capps et al. (Capps), US Patent No. 6,735,691 and further in view of Kim, US Patent No. 6,546,002.

4. As to claims 1, 19, 28 and 40, Capps discloses a format management method for transferring and converting, over a network, a profile of a first specific format, to a second related format with respect to a receiving computer-based device, so that the

receiving computer-based device will have a substantially similar operating environment to that associated with said profile, said method comprising:

a. downloading a software module onto said receiving computer-based device (col. 7, line 58 – col. 8, line 16: data mining agent 304 is downloaded and executed locally on the user's client computer (receiving computer-based device));

b. identifying via said software module a first directive file, comprising said profile of said first specific format, located on a remote storage device, said profile comprising application settings, files, and other data associated with an operating environment of a first computer-based device (col. 3, line 28 – col. 4, line 23: the server 102 stores user migration information 40 (directive file), which include configuration information (data associated with an operating environment), system setting, passwords, online service account information);

said directive file comprising of application settings, files, and other data is installed on said receiving computer-based device such that said receiving computer-based device has a substantially similar operating environment to said operating environment of said first computer-based device associated with said profile (col. 8, lines 23-43: retrieving the information resident in migration file and modifies the configuration information of the client computer with the configuration information resident in migration file (directive file), and the configuration manager interacts with system resource files via the operating system of the client computer to modify the system setting and online service account information to mirror that of the configuration file).

Capps discloses that retrieving the information resident in migration file and modifies the configuration of the client computer with the configuration information resident in migration file (col. 8, lines 23-43). However, Capps does not explicitly disclose c. checking if a platform of said receiving computer-based device supports said first specific format associated with said first directive file, and if said receiving computer-based device requires a second related format;

d. converting said first directive file of said first specific format to a second directive file of said second related format compatible with said receiving computer-based device; and

e. receiving said second directive file of said second related format, compatible with said receiving computer-based device, from said remote storage device to said receiving computer-based device.

Kim discloses a system and method that allows user to access specific documents, files, programs, applications, URL bookmarks, user profile data, and other menu items from any computer device located in any geographic location (Abstract). Kim also discloses Server 150 is used to store applications (documents, files, programs, bookmarks, or user profile data) that can be retrieved by mobile interface agent 102 (software module) for the user (col. 7, lines 12-51 and col. 8, lines 24-32), and when a user saves a document from a first computer device in the profile manager, and then later access that document from a second computer device, another feature of mobile interface agent detects the platform it is running on, the profile manager will convert the

document from the first computer device to a proper format (second computer device) (col. 13, line 35 – col. 14, line 18). Further, the mobile interface agent contacts the profile manager and downloads all of the required user profile, application, data and use them (col. 15, lines 5-25). Thus, it would have been obvious to combine the teachings of Kim and Britton to include checking if said recipient computer's platform supports said first specific format associated with said first directive file, and if said recipient computer requires a second related format; converting said first directive file of said first specific format to a second directive file of said second related format compatible with said receiving computer-based device; and receiving said second directive file of second related format, compatible with said receiving computer-based device, from said storage device to said receiving computer-based device. Kim's system would allow user accessing and run any software programs, files, documents and bookmarks from any computer and from any geographical location.

5. As to claims 3, 12, 21, 33 and 45, Capps and Kim disclose wherein said network is any of the following: HTTP-based, Internet, wide area networks (WANs), local area networks (LANs), virtual LANs, wireless, web, or telecommunication based (Capps, col. 3, lines 8-19).

6. As to claims 4, 13, 22, 30 and 42, Capps and Kim disclose wherein said receiving computer-based device is any of the following: personal computer systems,

laptops, portable computers, web and WAP phones (Britton, col. 8, line 47-64 and Fig. 1).

7. As to claims 6, 15, 24, 38 and 50, Capps and Kim disclose wherein said network is an enterprise network and said remote storage device is an enterprise server (Capps, Fig. 1 and col. 3, lines 8-43).

8. As to claims 7, 16, 25, 36 and 48, Capps and Kim disclose wherein said settings comprise any of the following: hardware settings, system settings, attached device settings, application settings, document settings, desktop settings, e-mail settings, address book settings, bookmarks, or cookies (Capps, col. 7, lines 33-57: the configuration profile contains a listing of the configuration information required to complete the migration file, e.g., system settings, passwords, online service provider account information, application settings, and the like).

9. As to claims 8, 17 and 26, Capps and Kim disclose wherein said software module is written in an object-oriented higher-level language (Capps, col. 7, line 58 – col. 8, line 17).

10. As to claims 9, 18 and 27, Capps and Kim disclose wherein said software module further includes ActiveX support (Capps, col. 7, line 58 – col. 8, line 17).

11. As to claim 10, Capps discloses a format management method for transferring and converting, over a network, a profile of a first specific format, to a second related format with respect to a receiving computer-based device, so that the receiving computer-based will have a substantially similar operating environment to that associated with said profile, said method comprising:

a. downloading a software module onto a first computer-based device (col. 7, line 58 – col. 8, line 16: data mining agent 304 is downloaded and executed locally on the user's client computer (receiving computer-based device));

b. identifying, via said software module, said profile of said first specific format located on said first computer-based device, said profile comprising applications settings, files, and other data associated with an operating environment of said first computer-based device (col. 3, line 28 – col. 4, line 23: the server 102 stores user migration information 40 (directive file), which include configuration information (data associated with an operating environment), system setting, passwords, online service account information);

c. creating a first directive file comprising said identified profile (col. 3, line 56 – col. 4, line 7: collecting configuration information, i.e., system setting, passwords, online service account information from a source computer to create a migration file (directive file);

d. transferring said first directive file onto a remote storage device (col. 3, lines 28-43: the server 102 stores the user migration information);

e. downloading a software module onto said receiving computer-based device associated said second specific format (col. 7, line 58 – col. 8, line 16: data mining agent 304 is downloaded and executed locally on the user's client computer (receiving computer-based device));

f. identifying, via said software module, said first directive file with said identified profile of said first specific format located on said remote storage device (col. 3, line 28 – col. 4, line 23: the server 102 stores user migration information 40 (directive file), which include configuration information (data associated with an operating environment), system setting, passwords, online service account information);

j. installing said directive file on said receiving computer-based device such that said receiving computer-based device has a substantially similar operating environment to said operating environment of said first computer-based device (col. 8, lines 23-43: retrieving the information resident in migration file and modifies the configuration information of the client computer with the configuration information resident in migration file (directive file), and the configuration manager interacts with system resource files via the operating system of the client computer to modify the system setting and online service account information to mirror that of the configuration file).

However, Capps does not explicitly disclose

g. comparing said first specific format to said second related format, and if said compared formats are different;

h. converting said first directive file of said first specific format to a second directive file of said second related format compatible with said receiving computer-based device;

i. transferring said second directive profile to said receiving computer-based device, and

Kim discloses a system and method that allows user to access specific documents, files, programs, applications, URL bookmarks, user profile data, and other menu items from any computer device located in any geographic location (Abstract). Kim also discloses Server 150 is used to store applications (documents, files, programs, bookmarks, or user profile data) that can be retrieved by mobile interface agent 102 (software module) for the user (col. 7, lines 12-51 and col. 8, lines 24-32), and when a user saves a document from a first computer device in the profile manager, and then later access that document from a second computer device, another feature of mobile interface agent detects the platform it is running on, the profile manager will convert the document from the first computer device to a proper format (second computer device) (col. 13, line 35 – col. 14, line 18). Further, the mobile interface agent contacts the profile manager and downloads all of the required user profile, application, data and use them (col. 15, lines 5-25). Thus, it would have been obvious to combine the teachings of Kim and Britton to include checking if said recipient computer's platform supports said first specific format associated with said first directive file, and if said recipient computer requires a second related format; converting said first directive file of said first specific

format to a second directive file of said second related format compatible with said receiving computer-based device; and receiving said second directive file of second related format, compatible with said receiving computer-based device, from said storage device to said receiving computer-based device. Kim's system would allow user accessing and run any software programs, files, documents and bookmarks from any computer and from any geographical location.

12. As to claims 34 and 46, Capps and Kim disclose wherein said transporting said rendered data is accomplished via JavaBeans (Capps, col. 7, line 58 – col. 8, line 17).

13. As to claims 39 and 51, Capps and Kim, disclose wherein said method further comprises caching the rendered data for future access by requesting computer-based device or phone (Kim, col. 7, lines 38-51: the profile data is stored in a local database in a form of a cached copy. The motivation for doing so is that when a particular user (desktop/mobile phone) accesses mobile interface agent 102 (MIA), a cached copy of the profile data 138a is sent to local database 160 in order to create the profile data 138b so it will be synchronized with 138a whenever possible).

14. Claims 2, 5, 11, 14, 20, 23, 29, 31-32, 35, 41, 43, 44 and 47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Capps et al. (Capps), US Patent No. 6,735,691, Kim, US Patent No. 6,546,002 and further in view of Daswani et al. (Daswani), US Patent No. 6,477,565.

15. As to claims 2, 11 and 20, Capps and Kim disclose wherein said step of converting further comprises:

identifying said second related format associated with said receiving computer-based device requesting said directive file (Kim, col. 13, lines 54-62);

However, Capps and Kim do not explicitly disclose parsing said first directive file associated with said receiving computer-based device to extract markup data; identifying a stylesheet, corresponding to said second related format; applying said identified stylesheet to said markup data from said parsed first directive file; and rendering said markup data, along with said applied stylesheet, in said identified second related format compatible with said receiving computer-based device.

Daswani discloses locating and parsing user-requested data will be in the form of HTML, XML, or a similar protocol (col. 8, lines 56-65). Daswani also discloses using HTML and XML to rewrite original data in an alternate format or language that represents the data presented in the original format in terms of content and function, data expressed in this alternated format is then restructured into the appropriate device-specific format for transmission (col. 9, lines 7-49 and col. 11, lines 44-53). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Daswani and Capps and Kim to include parsing said directive file associated with said requesting computer-based device to extract markup data; identifying a stylesheet, corresponding to said identified format; applying said identified stylesheet to said markup data from said parsed directive file; and rendering

said markup data, along with said applied stylesheet, in said identified format compatible with said receiving computer-based device. Daswani's system would broaden the scope of Internet-sourced data types that a communication device could independently access and receive without requiring hardware or software modifications to such devices.

16. As to claims 5, 14, 23, 31, 32, 43 and 44, Capps and Kim and Daswani disclose wherein said markup data is any of the following: XML, SGML, or HTML (Capps, col. 7, line 58 – col. 8, line).

17. As to claims 29, 41, Capps, Kim and Daswani disclose wherein said rendered data is encapsulated in a second directive file (Daswani, col. 9, lines 7-49 and 10, line 63 – col. 11, line61: Daswani's system would broaden the scope of Internet-sourced data types that a communication device could independently access and receive without requiring hardware or software modifications to such devices).

18. As to claims 35 and 47, Capps, Kim and Daswani disclose wherein said stylesheet is in an XSL format (Daswani, col. 9, lines 7-49 and col. 11, lines 44-53).

19. Claims 37 and 49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Capps et al. (Capps), US Patent No. 6,735,691, Kim, US Patent No. 6,546,002 and further in view of Box et al. (Box), W3C Note 08 May 2000.

20. As to claims 37 and 49, Britton and Kim do not explicitly disclose wherein said transporting rendered data is accomplished via the simple object access protocol (SOAP). Box discloses SOAP is a lightweight protocol for exchange of information in a distributed environment and can be used in combination with a variety of other protocol (Abstract). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Capps, Kim, and Box to include transporting rendered data via SOAP. SOAP would define a simple mechanism for expressing application semantics by providing a modular packaging model and encoding mechanisms for encoding data within modules.

Response to Arguments

In the remarks, Applicant(s) argued in substance that

A. "Applicants respectfully submit the Examiner has failed to make a prima facie obviousness rejection." (see page 3 of the remarks)

In reply to argument A, in order to establish a prima facie case of obviousness, three basic criteria must be met.

First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. In this case, Capps discloses downloading the mining agent to a source computer to collect system setting, application setting, online service provider account, configuration information to populate the migration file, and configuring a destination computer with the configuration information of the migration file (Capps, col. 2, lines 17-30), which is similar to exporting a user's profile, configuration, or setting data from one communications network to another network of Kim (col. 4, lines 35-41), thus it would have been obvious in the knowledge generally available to one of ordinary skill in the art at the time the invention was made to modify or combine the teaching of Capps and Kim since they are both from the same field of endeavor. The motivation for doing so is that Kim's system would allow user accessing and run any software programs, files, documents and bookmarks from any computer and from any geographical location.

Second, there must be a reasonable expectation of success. The prior art can be modified or combined to reject claims as prima facie obvious as long as there is a reasonable expectation of success. In re Merck & Co., Inc., 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). In this case, claimed invention directed to a method for transferring over a network a profile (application settings, files, and other data associated with an operating environment of a first computer) to a receiving computer so that the receiving computer will have a substantially similar operating environment, and was rejected as obvious over reference Capps which taught downloading the

mining agent to a source computer to collect system setting, application setting, online service provider account, configuration information to populate the migration file, and configuring a destination computer with the configuration information of the migration file, and further in view of reference Kim which taught to exporting a user's profile, configuration, or setting data from one communications network to another network. Thus, there was reasonable expectation that a process combining the prior art steps could be successfully scaled up.

Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. In this case, Capps teaches a) downloading a software module onto said receiving computer-based device (col. 7, line 58 – col. 8, line 16: data mining agent 304 is downloaded and executed locally on the user's client computer (receiving computer-based device)); identifying via said software module a first directive file, comprising said profile of said first specific format, located on a remote storage device, said profile comprising application settings, files, and other data associated with an operating environment of a first computer-based device (col. 3, line 28 – col. 4, line 23: the server 102 stores user migration information 40 (directive file), which include configuration information (data associated with an operating environment), system setting, passwords, online service account information); said directive file comprising of application settings, files, and other data is installed on said receiving computer-based device such that said receiving computer-based device has a substantially similar operating environment to said operating environment of said first computer-based device associated with said profile (col. 8, lines 23-43: retrieving the information resident

in migration file and modifies the configuration information of the client computer with the configuration information resident in migration file (directive file), and the configuration manager interacts with system resource files via the operating system of the client computer to modify the system setting and online service account information to mirror that of the configuration file). Kim teaches a system and method that allows user to access specific documents, files, programs, applications, URL bookmarks, user profile data, and other menu items from any computer device located in any geographic location (Abstract). Kim also discloses Server 150 is used to store applications (documents, files, programs, bookmarks, or user profile data) that can be retrieved by mobile interface agent 102 (software module) for the user (col. 7, lines 12-51 and col. 8, lines 24-32), and when a user saves a document from a first computer device in the profile manager, and then later access that document from a second computer device, another feature of mobile interface agent detects the platform it is running on, the profile manager will convert the document from the first computer device to a proper format (second computer device) (col. 13, line 35 – col. 14, line 18). Further, the mobile interface agent contacts the profile manager and downloads all of the required user profile, application, data and use them (col. 15, lines 5-25).

B. "Applicants respectfully submit that the Examiner is using hindsight reconstruction to deprecate Applicants' claimed invention." (see page 5 of the remarks).

In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that

any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

C. "Daswani et al. does not cure the previously described deficiencies in Capps et al. and Kim" and "Box does not cure the previously described deficiencies in Capps et al and Kim" (see page 7 of the remarks)

In reply to argument C, Examiner does not use Daswani or Box reference to reject claims 1, 10, 19, 28, and 40, therefore, Applicants cannot use Daswani or Box reference to argue for claim 1, 10, 19, 28 and 40.

21. Applicant's arguments filed 02/06/2006 have been fully considered but they are not persuasive. Please the rejection and response to arguments above.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chau Nguyen whose telephone number is (571) 272-4092. The examiner can normally be reached on 8:30 am – 5:30 pm Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Herndon, can be reached on (571) 272-4136. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306. On July 15, 2005, the Central Facsimile (FAX) Number will change from 703-872-9306 to 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Chau Nguyen
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Art Unit 2176

William L. Bashore
WILLIAM BASHORE
PRIMARY EXAMINER
4/26/2006